

TOWN OF UNION PLAN COMMISSION MEETING

Minutes for March 29, 2007

The Town of Union Plan Commission meeting was called to order on March 29, 2007 at the Eager Free Public Library, 39 W. Main Street, Evansville, WI at 7:00 p.m. by Alvin Francis. Members present included Doug Zweizig, Kim Gruebling, Mike Exum, Alvin Francis, Marty Johnson, Eric Larsen, and Richard Templeton Jr. and Also in attendance: Building Inspector Bob Fahey.

Eric Larson moved to approve the February 22, 2007 Plan Commission minutes. Second by Doug Zweizig.

Update on Meeting with Attorney Regarding Comprehensive Plan Implementation Issues

Forbeck felt as long as we didn't try to put residential in an agriculture district on the Comprehensive Plan map there would be no change needed to the map. Mike recommended that the town attorney be present at Plan Commission meetings to assist with legal questions.

Motion by Mike Exum that the Plan Commission recommend to the Town Board to have the town's attorney at the Plan Commission meetings. Kim Gruebling questioned the cost of having an attorney at the meeting. Second by Doug Zweizig. Motion passed 6-1: Alvin Francis voting no.

Public Hearing: Teresa Shea and Allen Booth, 10244 N. Harold Dr., Brooklyn, WI 53521 request a land division and zoning change for Parcel 6-20-67 located in the NE 1/4, SW 1/4 of Section 9. The current parcel is 19.4 acres and zoned A1. The owners request to split off an 4.96 acre A3 parcel for the purpose of a relative building a home on the lot. This parcel is located at the south end of Harold Drive.

Public Hearing opened at 7:10 p.m. This is a new application for the lot as opposed to a previous application for an RR lot. Teresa stated the house would be approximately 100 feet from the road in response to the neighbor behind objecting to the previous position of the proposed residence. Public Hearing closed at 7:15 with no public comment.

Doug Zweizig noted that the redesign of the land division and zoning meets the concerns addressed by the board in the previous application.

Motion by Marty Johnson to approve the application of Teresa Shea and Allen Booth, 10244 N. Harold Dr., Brooklyn, WI 53521 to divide off a 4.96 acre A3 parcel from Parcel 6-20-67 located in the NE 1/4, SW 1/4 of Section 9 and to rezone the remaining land to A2.

Rich Templeton moved to amend the motion that there be no more splits to both the 6-20-67 parcel and the newly created 4.96 acre parcel. Mike Exum second the amendment. Alvin Francis noted that this requirement if made would have to be identified on the deed. Motion failed in a 3-4 roll call vote: Marty Johnson: No; Mike Exum; Yes; Eric Larsen: No; Alvin Francis: Yes; Doug Zweizig: No; Kim Gruebling: No; and Richard Templeton: Yes. Amendment failed.

Doug Zweizig moved to amend the original motion to add a condition of approval that the landowner make payment of all engineering fees. Eric Larsen second. Motion passed by unanimous voice vote. Teresa Shea voiced agreement to this condition.

Amended motion to approve the application of Teresa Shea and Allen Booth, 10244 N. Harold Dr., Brooklyn, WI 53521 to divide off a 4.96 acre A3 parcel from Parcel 6-20-67 located in the NE 1/4, SW 1/4 of Section 9 and to rezone the remaining land to A2 with the condition that the landowner make payment

of all engineering fees approved by unanimous roll call vote.

Discussion and recommendation to Town Board for request by Candace Phelps, 13222 W. East Union Rd, Evansville, WI 53536 to enlarge mining operation on her 138 acre parcel (6-20-97) located south of State Hwy 59 on the west side of N. East Union Road, Fire #10607. Request returns to Plan Commission for further investigation of most appropriate way to divide, zone, and monitor operation under a conditional use permit.

Brett Frank of Aggregate Produced Products presented a map showing the location and boundaries of the proposed pit. He also provided a copy of the updated Reclamation Plan for the proposed Union Pit. In response to the Plan Commission's request for more information at the February meeting, Brett provided the following information:

- Berm/screening: Map provided by Brett as well as description of the berm.
- Building plans:
- Hours of operation 6 a.m. - 6 p.m. M-F and 7a.m. - 2 p.m. on Saturdays.
- He also provided pictures of the broom trucks, street sweeper.
- Specifications to the other size of mining area, function, plantings, building plans, hours of operation, and road cleaning equipment;

Mike Exum stated the attorney recommended an annual review and that the pit comply with all state regulations and that this would be a wash plant only. Mike Exum asked if the engineer has reviewed the plans. It was noted that nothing has been received from Greg Hofmeister, town engineer, and that he had resigned earlier this week.

Tom Davis asked about the 300 foot sight distance for the driveway. Bob stated the driveway is grandfathered in.

Motion by Kim Gruebling to recommend approval of the request by Candace Phelps, 13222 W. East Union Rd, Evansville, WI 53536 to enlarge mining operation on her 138 acre parcel (6-20-97) located south of State Hwy 59 on the west side of N. East Union Road, Fire #10607 with the conditions that:

- Manmade Structure: 30'x24' Scale house constructed of wood, vinyl siding, and shingles. The walls will be 8 feet high with a typical V roof pitch.
- Berms: 10' to 12' high berm will be constructed on the east and south side of the property along the road. The berm will be built accordingly when material becomes available. The berm will be seeded with a comparable grass, Canada wild rye & Agriculture rye, which are in the surrounding area. The main reason for the seed is to maintain erosion control and not beauty. No tree will be planted because final use will be returned to agriculture land.
- Driveway: The driveway entrance will be paved to prevent erosion and spreading of material out onto the road. A broom tractor (broom attachment to a skidster) or a hand broom may be needed to remove material from the road when necessary.
- Hours of operation: APPI will run from 6:00 a.m. to 6:00 p.m. Monday through Friday. Saturday hours will run from 7:00 a.m. to 2:00 p.m. Hours may be decreased in accordance with the work load. They will also be decreased in the winter time.
- Exposed acreage: APPI will limit the amount of acreage for a mine to 20 acres. When more acreage is needed, reclamation will be more prevalent in order to keep the exposure level to a minimum.
- No blasting will be performed.
- Traffic pattern: A sign will be placed exiting the pit for traffic to head north (left) and traffic will go north to Highway 59.
- Financial assurance: provided by M&I bank to maintain North East Union Road.
- Settling pond: must be constructed as part of the washing process. And a 6 foot high chain

- link fence, with one row of barbwire on the top, will fully surround pond.
- Aggregate Produced Products would be responsible for using the equipment to clean the road as needed.
- No operation on Sundays
- The berm south of the driveway will be completed by the annual review.
- This will be a wash plant only and no asphalt production is allowed
- This permit is to reviewed by the Plan Commission at a public hearing to be held at May 2008 Plan Commission meeting. Upon review, the Town Board can extend the permit or deny extending the permit based on performance criteria stipulated in the permit and any other issues brought to the attention of the Town
- All fees shall be paid to the township prior to the issuance of the permit
- Aggregate Produced Products shall comply with Town and State of Wisconsin noise rules, regulations and ordinances.
- And all items from the original stipulations:
 - The applicant shall comply with .
 - Best management practices will be used to control dust and wind erosion.
 - The Applicant shall supply the Town with contact names, addresses and telephone numbers to allow the Town to notify the Applicant as to complaints or concerns.

Motion second by Marty Johnson. Motion approved by unanimous roll call vote.

Discussion and recommendation to Town Board for request by Randy Shotliff, 4215 Winnequah Dr. Monona, WI 53716 for a land division and zoning change to create 22 rural residential parcels (20 buildable lots and 2 outlots) using 41.65 acres of land from two A1 parcels (#6-20-212 (89.406 acres) & #6-20-211 (33.1 acres)). The remaining 80 some acres of parcels #6-20-212 and #6-20-211 will then be combined with the A1 parcel #6-20-210 (32.881 acres) to create one large A1 parcel of approximately 114 acres. This land is located in the NW 1/4 of Section 24 and part of the SW 1/4 of Section 24.

Ron Combs, surveyor, presented a new map which showed 100 residential lots for multiple phases of "The Meadows." He also provided responses to "Yes" answers on the Site Assessment Checklist.

Clarification was made by Ron Combs that a homeowners association would be created when the preliminary plat map is approved. Covenants would be created by this time as well.

Kim asked if other neighbors have been contacted to see if they would like to include their land in the proposed subdivision plan. Ron indicated he left a road access to them in a future phase on the east side.

Heidi Deininger, asked about the Town Board stipulation placed in 1995 to not divide the farm any further. The attorney stated unless it's written on the deed, the stipulation is not binding. Marty Johnson asked what the map looked like at that time. A map was supplied to him.

David Gallman stated seven of the lots border his lot. He recommended the board look at what is going on with the school district. David stated the board has a moral obligation to look at the impact the development would have on the school district and taxes.

Jeff Billhorn stated the development is pushing the one mile distance. He questioned the water table.

Renee Exum asked if the land could handle 100 septic systems. Ron affirmed it could. Renee asked if it was fair to give all fifty lots to one developer. Currently Randy is asking for 20 lots. She also brought up the issue of the bio-diesel plant and would like to see sustainable growth.

George Franklin mentioned the loss of farmland and concern for taxes. He questioned how putting houses in this location is smart growth.

There was discussion about the map and the intent of long term and short term development which is still in the text of the Comprehensive Plan.

Public Hearing closed at 9:05 p.m.

Doug noted that the surrounding properties are A1 and A2 properties and that the RR proposed lots do not fit. He read from a prepared statement:

Reasons to support the application for the Meadows project:

1. Randy Shotliff was an active member of the Smart Growth Committee, and a I would like to support him and see him do well in our community.
2. Locating a subdivision to the east of Evansville is preferable to adding more growth to the already overdeveloped west.
3. It is always better to be able to say yes, especially when an applicant has already engaged a lawyer.

Reasons to deny the application:

1. This application is for the first phase of a development plan that will make a major and unneeded change in this predominantly rural area of the township. The Comprehensive Plan's "primary intent" is "to promote the kind of growth that would maintain the small rural atmosphere that 90% of the residents said they like about living in the Town of Union." I believe that this project would diminish, not maintain, that valued rural atmosphere. The property proposed for RR development is surrounded by A-1 and A-2 zoned land, some of it residential and some farmland. The effect of a rural residential subdivision in the center of this area will promote a cascade of applications for land division and development of these properties. I have been told that at least one of these properties is already for sale because the landowner is anticipating an approval of this application that will change the character of his property.
2. An objective of the plan is "to encourage development adjacent to already developed areas." There are lands more adjacent that can be developed. The land being proposed for development now was seen in the planning to be suitable for development near the end of the twenty-year period of the plan.
3. While there is some development nearby that has lots sizes similar to those proposed, this existing development is primarily on land of a character and topography that would be much to the south of Territorial Road, and there is remaining land for development south of Territorial Road, so there is no need to move to the north of the road at this time.
4. Union Township residents that have spoken or written about this proposed development have commented on the negative effect this development would have on the loss of farmland and of the rural character of the area.

When I reflected on these reasons why I would vote to approve or deny, I realized that the reasons to approve were ones of interest to me personally while the reasons to deny were in the interests of the township – my job here is to support the interests of the township so far as I can.

Kim Gruebling noted the positives of this being a large scale development. Kim mentioned a builder's agreement and the fact that change is inevitable.

Mike Exum noted the town's attorney recommended the Commission get more information before making the decision including asking for: covenants, City of Evansville extraterritorial zoning approval, county approval, and perk test results. Alvin voiced concern over the practicality of getting all of those ahead of time.

Mike Exum added comments about getting tax base data as well.

Marty Johnson stated that when they looked at this particular land area for the map, they felt other land should fill in earlier. He would like to see more information on the traffic impact and whether we can accommodate the traffic.

Eric Larson looked at the scoring sheets and stated it scored well on location. He does have concern with this land being agriculture land. He is also concerned about the number of lots being 20.

Reference was made to Zoning Code Section 17.20 and the requirements listed for considering an application.

It was noted that the traffic study provided did not take into consideration the current traffic nor the overall development traffic. Marty Johnson would like to know the effect of the additional traffic.

Motion by Marty Johnson to postpone a decision on this application until the requirements identified in Section 17.20 be provided in written format and that more information be provided including house square footage, a draft of the covenants and homeowner's association documents and to have City of Evansville approval, county highway approval, and modifications to the development map to include recommended park/trails as shared by the Parks and Trails Committee. Second by Eric Larson. Motion approved 5-2. Alvin Francis and Rich Templeton voting no.

Greg's Hofmeister's comments on his review of the plan are desired by the Commission.

Conditional Use Permit Review for Tom & Connie Davis 10608 N. East Union Rd. Evansville, WI 53536 to operate a pheasant shooting preserve on parcel 6-20-94 located along North East Union Rd. in the SW 1/4, NE 1/4 of Section of the Town of Union. The pheasant preserve may be open by appointment only between the hours of 8 a.m. and 5 p.m. Monday through Friday and from 8 a.m. - 5 p.m. on Saturdays and noon to 5 p.m. on Sundays beginning October 1st and ending April 30th. Hunting may commence at the east-west property line which is approximately 1,400 feet from the south property line.

Kim Gruebling questioned the use of the lodge for weddings and the expansion of use. George stated Tom's neighbor would like to see this continue as a conditional use. Marty Johnson asked for clarity on the use of the lodge. (An ad in the phone book advertises for "lodge bookings." Tom Davis stated he does not provide any booze nor beer to the patrons. He noted however; that they are allowed to bring their own alcohol. Doug Zweizig received clarification from Tom that the hunting stops at 5 p.m. but use of the lodge continues after that until 10 p.m.

Kim moved to approve the condition use permit for Tom & Connie Davis 10608 N. East Union Rd. Evansville, WI 53536 to operate a pheasant shooting preserve on parcel 6-20-94 located along North East Union Rd. in the SW 1/4, NE 1/4 of Section of the Town of Union. The pheasant preserve may be open by appointment only between the hours of 8 a.m. and 5 p.m. Monday through Friday and from 8 a.m. - 5 p.m. on Saturdays and noon to 5 p.m. on Sundays beginning October 1st and ending April 30th. Hunting may commence at the east-west property line which is approximately 1,400 feet from the south property line. This permit is to be reviewed by the Plan Commission at a public hearing to be held at the March 2008 meeting. Upon review, the Plan Commission can extend the permit or deny extending the permit based on performance criteria stipulated in the permit and any other issues brought to the attention of the Plan Commission. Failure to request board review prior to the review date will void this Conditional Use Permit and cause the party to fully reapply for a new conditional use permit. This conditional use permit is non-transferrable. Second by Eric Larson.

Discussion ensued with Tom asking about if he could not operate under a conditional use permit and just having hunting during DNR season.

Mike Exum moved to amend the motion to include that lodge usage ends at 10 p.m. Second by

Eric Larson. Motion carried 4-3 vote.

Amended motion to “approve the condition use permit for Tom & Connie Davis 10608 N. East Union Rd. Evansville, WI 53536 to operate a pheasant shooting preserve on parcel 6-20-94 located along North East Union Rd. in the SW 1/4, NE 1/4 of Section of the Town of Union. The pheasant preserve may be open by appointment only between the hours of 8 a.m. and 5 p.m. Monday through Friday and from 8 a.m. - 5 p.m. on Saturdays and noon to 5 p.m. on Sundays beginning October 1st and ending April 30th. The lodge must close at 10 p.m. Hunting may commence at the east-west property line which is approximately 1,400 feet from the south property line. This permit is to be reviewed by the Plan Commission at a public hearing to be held at the March 2008 meeting. Upon review, the Plan Commission can extend the permit or deny extending the permit based on performance criteria stipulated in the permit and any other issues brought to the attention of the Plan Commission. Failure to request board review prior to the review date will void this Conditional Use Permit and cause the party to fully reapply for a new conditional use permit. This conditional use permit is non-transferrable.” passed by unanimous voice vote.

Public Hearing and Resolution on Amendment to the Town of Union Zoning Ordinance separating out the Building Permit Section into its own ordinance creating Town of Union Ordinance Chapter 15 Buildings and Constructions. Language to be added to double permit fees if permit is not issued prior to work being started and to implement the restriction that all work must be completed within a two year period once a permit is issued.

No action taken as no information available.

Discussion on Wind Generation Towers.

Heather Brown, Territorial Rd and Hwy 14 is interested in a private 10kw wind generator. Renee Exum passed out a sample wind generator ordinance.

Adjournment

Considering the time, the meeting was moved to be adjourned by Eric Larson. Second by Kim Gruebling. Meeting adjourned.

Respectfully submitted by:

Linda O’Leary